

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA	:	
	:	20-CR-182 (VEC)
-against-	:	
	:	<u>ORDER</u>
JONATHAN BURGOS,	:	
	:	
Defendant.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on January 21, 2021, counsel for the parties appeared before the Court via video conference for an oral argument on Defendant's Motion to Suppress, Dkt. 89; and

WHEREAS at the hearing, Defense counsel waived the appearance of his client, Mr. Burgos;

IT IS HEREBY ORDERED that Defendant's Motion to Suppress evidence obtained pursuant to a warrant for cellphone location information and toll records for the period of March 1, 2019 to March 31, 2019 is denied. At the hearing, the Government attested that it will not use the information and records obtained pursuant to this warrant in its prosecution of Mr. Burgos. Accordingly, the Motion to Suppress with respect to this warrant is denied as moot.

IT IS FURTHER ORDERED that for the reasons stated at the hearing, Defendant's Motion that an evidentiary hearing be scheduled pursuant to *Franks v. Delaware*, 418 U.S. 154 (1978), is granted. By no later than **Friday, January 29, 2021**, the parties must propose dates for an in person *Franks* hearing to be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. The Court will decide the remainder of Defendant's Motion to Suppress following the *Franks* hearing.

SO ORDERED.

Dated: January 21, 2021
New York, NY

VALERIE CAPRONI
United States District Judge